

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MINDSHIFT TECHNOLOGIES INC.,

Plaintiff,

- against -

PETER OETTINGER,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: \_\_\_\_\_

**NOTICE OF  
PRETRIAL CONFERENCE**

14 Civ. 7555 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

Counsel for all parties are directed to appear before the Court for an initial pretrial conference in accordance with Rule 16 of the Federal Rules of Civil Procedure on **Thursday, January 15, 2015 at 10:00 a.m.** in Courtroom 705 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York. **COUNSEL FOR PLAINTIFF MUST:** (i) **IMMEDIATELY NOTIFY ALL ATTORNEYS IN THIS ACTION BY SERVING UPON EACH OF THEM COPIES OF THIS NOTICE AND THE COURT'S INDIVIDUAL PRACTICES; AND (ii) SEND A COPY OF SUCH NOTICE TO CHAMBERS (without attachments). IF PLAINTIFF'S COUNSEL IS UNAWARE OF THE IDENTITY OF COUNSEL FOR ANY OF THE PARTIES, COUNSEL FOR PLAINTIFF MUST IMMEDIATELY SEND COPIES OF THE NOTICE AND INDIVIDUAL PRACTICES TO THAT PARTY PERSONALLY.** Principal trial counsel must appear at this and all subsequent conferences.

**This case has been designated as an electronic case and has been assigned to me for all purposes. By the date of the initial pretrial conference, counsel for all parties must register as filing users in accordance with the Procedures for Electronic Case Filing and file a Notice of Appearance.**

**Seven days before the conference, the parties must submit a joint letter addressing the following in separate paragraphs:** (1) a brief description of the case, including the factual and legal bases for the claim(s) and defense(s); (2) any contemplated motions; and (3) the prospect for settlement. For the Court's convenience, the parties must set forth the conference's date and time in the joint letter's opening paragraph. The Court directs the parties to consult its Individual Practices and model Case Management Plan and Scheduling Order – both of which are available on the Court's web site – **and to submit with their joint letter a jointly proposed Case Management Plan.**

**In any case involving allegations of personal injury – whether physical, psychological, emotional or otherwise – the plaintiff is to provide to the defendant prior to the initial pretrial conference all necessary medical authorizations.**

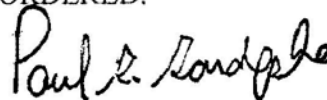
The parties should be aware that the Court requires a pre-motion conference before any motion is filed, in accordance with Rule 4(A) of the Court's Individual Practices.

The Court will consider requests for adjournment of the conference only if they are in writing and otherwise in accordance with the Court's Individual Practices.

If this case has been settled or otherwise terminated, counsel are required to notify the Court – **before the date of the conference** – by calling (212) 805-0224, and must send a stipulation of discontinuance, voluntary dismissal, or other proof of termination via email to the Orders and Judgments Clerk at the following email address: judgments@nysd.uscourts.gov.

Dated: New York, New York  
December 17, 2014

SO ORDERED.

A handwritten signature in black ink, reading "Paul G. Gardephe", written in a cursive style.

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Paul G. Gardephe  
United States District Judge